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March 1, 2024

BY ECF AND EMAIL

The Honorable Analisa Torres
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: Pierce v. Better Holdco, Inc., et al., No. 22-cv-04748 (AT)

Dear Judge Torres:

The parties in the above-referenced matter write to Your Honor jointly pursuant to the Court's November 29, 2023 Order requesting that we provide a status update on discovery and the prospect of settlement.

With respect to discovery, the parties have continued to make progress. The parties have exchanged document requests and interrogatories, held a meet and confer on February 13, 2024, exchanged initial productions of documents, and have noticed depositions. The parties are also negotiating an ESI Protocol. The parties intend to continue producing documents and conducting depositions.

With respect to mediation, the parties discussed the prospect of settlement. Both parties expressed a willingness to engage in private mediation to resolve both this matter and *Better Holdco, Inc. v. Pierce*, 22-cv-09580-AT, Dkt. 40. However, the parties have different expectations as to conditions precedent to any such mediation and cannot currently agree to a private mediation. Nevertheless, as the Court ordered that it "shall refer [the parties] to SDNY's mediation program or the magistrate judge for settlement, if the parties have not retained a private mediator," both parties will participate in good faith in any mediation so ordered by the Court.

The parties thank the Court for its consideration.

Respectfully submitted,

/s/ Roberta A. Kaplan

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